

Committee Room.

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 92, Instructing the Enrolling Clerk of the House to correct a typographical error in House Bill No. 521,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

FIFTY-FOURTH DAY

(Monday, April 22, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	England
Adamson	Fain
Adkins	Farmer
Aikin	Fisher
Alexander	Ford
Alsup	Fox
Ash	Frazer
Atchison	Fuchs
Beck	Gibson
Bergman	Glass
Bourne	Good
Bradbury	Graves
Bradford	Gray
Broyles	Greathouse
Burton	Hankamer
Butler of Brazos	Hanna
Butler of Karnes	Hardin
Cagle	Harris of Archer
Caldwell	Harris of Dallas
Calvert	Head
Canon	Herzik
Celaya	Hill
Clayton	Hodges
Collins	Hofheinz
Colquitt	Holland
Colson	Hoskins
Cooper	Howard
Cowley	Huddleston
Craddock	Hunt
Crossley	Hunter
Daniel	Hyder
Davis	Jackson
Davison of Fisher	James
Davisson	Jefferson
of Eastland	Jones of Atascosa
Dickison	Jones of Falls
Dunlap of Hays	Jones of Runnels
Dunlap of Kleberg	Jones of Shelby
Duvall	Jones of Wise
Dwyer	Keefe

King	Reader
Knetsch	Reed of Bowie
Lange	Reed of Dallas
Lanning	Riddle
Latham	Roach of Hunt
Lemens	Roark
Leonard	Roberts
Lindsey	Rogers
Lotief	Russell
Lucas	Rutta
Luker	Scarborough
Mauritz	Settle
McCalla	Smith
McConnell	Spears
McFarland	Stanfield
McKee	Steward
McKinney	Stinson
Moffett	Stovall
Moore	Tarwater
Morris	Tennyson
Morrison	Thornton
Morse	Tillery
Newton	Venable
Nicholson	Waggoner
Olsen	Walker
Padgett	Wells
Palmer	Westfall
Patterson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Pope	Young
Quinn	Youngblood

Absent

Dunagan	Leath
---------	-------

Absent—Excused

Fitzwater	Roane
Hartzog	Shofner
Roach of Angelina	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Lord, with gratitude to Thee we undertake our tasks again this morning. May we not forget Thee, for 'except the Lord build the house, they labor in vain that build it.' Grant to lead us along right lines and to permanently good results. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Roach of Angelina for today, on motion of Mr. Stinson.

Mr. Hartzog for today, on motion of Mr. Harris of Dallas.

Mr. Shofner for today, on motion of Mr. Broyles.

Mr. Quinn was granted temporary leave of absence for this morning, on motion of Mr. Bradbury.

The following member was granted leave of absence on account of illness:

Mr. Fitzwater for today, on motion of Mr. Stovall.

Mr. Tennyson was granted temporary leave of absence during the day on account of illness in his family, on motion of Mr. Harris of Archer.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 392, "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to the extent provided in this Act; etc., and declaring an emergency."

EXPRESSING APPRECIATION TO THE MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Tulsa, Okla., April 17, 1935.

Dear Mr. Colson and all Members of House of Representatives:

Thank you so much for your kind expression of sympathy in my recent bereavement, and resolution adopted by the House of Representatives. It has helped me greatly to know how much his friendship meant to so many people.

Sincerely,

CARRIE P. BENNETTE,
109 East Twenty-sixth Street.

TO MEMORIALIZE CONGRESS IN REGARD TO CONSTRUCTION OF CERTAIN HIGHWAY

Mr. McKee offered the following resolution:

Whereas, For several years the United States Government has been interested in a Central Military Super

Highway from Canada to the Gulf of Mexico; and

Whereas, President Roosevelt has stressed the need for such a highway from the standpoint of safety, as well as the necessity for commercial and military purposes; and

Whereas, The United States Government has enacted into law the \$4,880,000,000 Relief and Work Project Bill; and

Whereas, A vast amount of this money will be put into highway construction; and

Whereas, The proposed Central Military Super Highway will tend to bring closer the relationship between the North and South for commercial and other purposes; therefore, be it

Resolved by the House of Representatives of the State of Texas, That His Excellency, the President of the United States, the members of Congress and the United States Senate, give consideration to the designation and allocation of funds to construct Highway 8, from Canada to the Gulf of Mexico; and, be it further

Resolved, That a copy of this resolution be forwarded to His Excellency, Franklin D. Roosevelt, and to each member of the House and Senate of the Congress of the United States, in order that they be acquainted with the necessity of this much needed project.

McKEE,
NICHOLSON,
QUINN.

The resolution was read second time.

Mr. Rogers moved to table the resolution.

The motion to table was lost.

Question recurring on the resolution, it was adopted.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Hartzog offered the following resolution:

H. C. R. No. 82, Granting Mrs. Julia Martin and others permission to sue the State.

Whereas, On or about the twenty-fifth day of May, A. D. 1934, Mrs. Julia Martin; Miss Roberta Martin, her daughter; and Mrs. Lela Kelly, sister-in-law of Mrs. Julia Martin, while en route to Austin, Texas, in a 1932 model Ford coupe, owned by Mrs.

Martin, of Goliad, Texas, driven by Miss Roberta Martin, after reaching a point approximately eight miles beyond Cuero on the Cuero-Yoakum Highway, proceeding at the rate of about 38 miles per hour, came in sight of a State Highway Department truck, which was just beginning the ascent of a slight incline. The road ahead being clear of all cars, the driver of the coupe sounded her horn on reaching the crest of the incline, and started to pass the State Highway Department truck; however, the driver of the said State truck, without holding out his hand or making any signal of any kind, suddenly turned to the left on the highway and stopped directly in front of the coupe. Although the brakes of the Ford coupe were working perfectly and the driver employed proper diligence and judgment in applying them, it was impossible to stop the car; and although the driver turned to the left as far as possible, there did not remain sufficient clearance of the road on the left-hand side because of a large pile of rocks that had been placed along said highway for several miles by the Highway Department. As the truck completely blocked passage, it was impossible to prevent the car from colliding with the truck with a terrific shock.

As a result of the said collision, Mrs. Julia Martin received a severe cut, lacerations and bruises to the bone of her left leg. Miss Roberta Martin's lower lip was cut completely through, and Mrs. Kelly received lacerations and bruises about her mouth when her head and face came in contact with the windshield. Immediately after the wreck the three parties were taken to the Burns Hospital at Cuero to receive first aid treatment.

After being discharged from the hospital, Mrs. Julia Martin's left leg became swollen to approximately three times its normal size and became discolored. She was forced to remain in bed for over two months. Due to the injury, Mrs. Martin suffered a great deal of pain, mental anxiety and loss of time. The injury is still troublesome and medical authorities state that it will be permanent. Mrs. Martin's car was damaged to such an extent that it was impossible to use the same, and she was forced to purchase a new car. Mrs. Martin alleges that she is entitled to compensation for personal in-

juries, loss of time and damage to her automobile, as follows:

Loss of time, pain and suffering and personal injuries...	\$500.00
Medical services, Burns Hospital	75.00
Damage of car.....	115.59
Loss of use of car thirty days, at \$3 per day.....	90.00
Total.....	\$780.59

Miss Roberta Martin, who suffered a split lower lip and various severe bruises, was unable to perform her ordinary duties during the month that was required for her injuries to heal, and she alleges that she is entitled to damages for medical services, loss of time, pain and suffering resulting from physical injuries in the following amount:

Hospital bill.....	\$ 7.00
Pain and suffering and physical injury	50.00
Total.....	\$ 57.00

Mrs. Lela Kelly was thrown against the windshield and the bridge that she was wearing was driven into the roof of her mouth, resulting in severe lacerations, bruises and injuries, and she was confined to her bed after being discharged from the hospital about ten days. As she was a widow, dependent upon her own earnings, she alleges that she is entitled to receive compensation for personal injuries, pain and suffering, hospitalization and loss of time in the following amount:

Hospital bill, Burns Hospital..	\$ 17.00
Personal injuries, pain and suffering, and loss of time..	100.00
Total.....	\$117.00

Whereas, By reason of the fact that said accident caused, or resulted in the damages to the persons and property as above set out; and

Whereas, The said Mrs. Julia Martin, Miss Roberta Martin, and Mrs. Lela Kelly have not been compensated for said injuries and losses resulting therefrom; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Mrs. Julia Martin, Miss Roberta Martin, and Mrs. Lela Kelly be, and they are hereby, granted permission to bring suit against the State of Texas and against the State Highway Department of Texas, in a court of competent jurisdiction in Goliad,

Texas, in order to ascertain, fix, and award the amounts of money, if any, that the said Mrs. Julia Martin, Miss Roberta Martin, and Mrs. Lela Kelly are entitled to receive from the State of Texas and the State Highway Department of the State of Texas, as compensation by reason of such injuries and the resulting damages; and that in case such suit be filed, service of citation and other necessary processes be had upon the Governor of Texas, the Chairman of the State Highway Department of the State of Texas, and the Attorney General of the State of Texas, and that the same have the same force and effect as made and provided in civil suits in civil cases; and provided that either one of the parties to said suit shall have the right to appeal without the execution of bond; and any judgment that may be finally established against the State of Texas and the State Highway Commission of Texas, or either of them, in said suit, shall be a liquidated debt and shall be paid by the State Highway Commission of Texas out of the State Highway Funds.

The resolution was read second time.

On motion of Mr. Gray, the resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Morse offered the following resolution:

H. C. R. No. 88, To grant Mrs. Mary M. Wise permission to sue the State of Texas and the State Department of Labor.

Whereas, On November 25, 1931, Mrs. Mary M. Wise was, and had been for more than five (5) years, a regular employe of the State Department of Labor, whose duties consisted of the inspection of the premises where female employes were employed; and

Whereas, On said November 25, 1931, she was inspecting the premises of Sheppard Laundries, Incorporated, in Houston, Harris County, Texas, in order to determine the condition of such premises and whether or not the State law governing female employes was being complied with; and

Whereas, While thus engaged in the

regular performance of her duties and the scope of her employment upon said premises, and as a direct result she slipped and fell, said fall being caused by the presence of grease and oil or some similar dangerous substance on the floor of said premises; and

Whereas, As a result of said fall she sustained a fracture of the pelvic bone and various other internal injuries, which injuries resulted in a cancer which is now prolific; and

Whereas, The State Department of Labor provides no compensation for its injured employes and the said Mrs. Mary M. Wise is consequently denied compensation for such injuries, and can receive no remuneration for heavy hospital expenses occasioned and required by said injury; and

Whereas, As a result of said injury the said Mrs. Mary M. Wise is unable to obtain any character of employment by virtue of the entire deprivation of the use of her lower limbs, which injury is total and permanent in character; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Mrs. Mary M. Wise is hereby granted permission to bring suit against the State of Texas and the State Department of Labor, in a court of competent jurisdiction in Travis County, Texas, to ascertain and fix the amount, if any, the State Department of Labor and the State of Texas are indebted to the said Mrs. Mary M. Wise on account of said injury inflicted upon her. In case such suit is filed service of citation shall be had upon the Governor of the State of Texas, the Commissioner of Labor, and the Attorney General of Texas, and that said suit may be prosecuted regardless of any claim of limitation upon the part of the defendants therein, and that either party hereto shall have the right of appeal without the execution of a bond, and any judgment that may be finally established against the State of Texas and the State Department of Labor of Texas in said suit shall be a liquidated debt and shall be paid by the Comptroller of the State of Texas out of the General Fund.

The resolution was read second time.

On motion of Mr. Gray, the resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Caldwell offered the following resolution:

H. C. R. No. 89, To grant Claude Lindley permission to sue the State.

Whereas, Claude Lindley, of Catarina, Dimmit County, Texas, had sixty-five acres of cane and twenty-five acres of higera destroyed by wild deer on his farm in Dimmit County during the early fall of 1933; and

Whereas, The said Claude Lindley claims to have appealed to the local game warden and to the Game, Fish, and Oyster Commission for protection from these deer or for permission to kill the same, and further claims that the Game, Fish, and Oyster Commission failed and refused to protect him from the depredation of the deer or to permit him to kill them himself; and

Whereas, As a result, he lost his cane crop of the value of one thousand one hundred seventy dollars (\$1,170) and his higera crop of the value of two hundred fifty dollars (\$250); and

Whereas, Said Claude Lindley claims that the State of Texas and the Game, Fish, and Oyster Commission are liable for said loss so incurred; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Claude Lindley is hereby granted permission to bring suit against the State of Texas and the State Game, Fish, and Oyster Commission in a court of competent jurisdiction in Travis County, Texas, to ascertain and fix the amount, if any, that the State of Texas and the State Game, Fish, and Oyster Commission is indebted to the said Claude Lindley on account of said crop losses, and in case such suit is filed, service of citation shall be had upon the Governor of the State of Texas, the Chairman of the Game, Fish, and Oyster Commission, and the Attorney General of Texas, and that said suit may be prosecuted regardless of any claim of limitation upon the part of the defendants therein, and that either party hereto shall have the right of appeal without the execution of a bond, and any judgment that may be finally established against the State of Texas and the Game, Fish, and Oyster Commission in said suit shall be a liquidated debt

and shall be paid by the Game, Fish, and Oyster Commission of Texas out of the funds in its hands and under its control.

The resolution was read second time.

On motion of Mr. Gray, the resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 41, To grant J. M. Walker permission to sue the State.

Whereas, One J. M. Walker of Falls County, Texas, was required by the State of Texas to pay to the State of Texas the sum of \$2,915.45, principal, interest and costs of court as surety upon a bail bond for one Will Mitchell, under indictment in district court of Falls County, Texas, for a felony; and

Whereas, At the time said forfeiture was taken by the State and at the time of the collection of the money by the State from said J. M. Walker, the said principal, Will Mitchell, was dead, and incapable of making his appearance before said court as called for in said bond; and

Whereas, Said fact of such death was at said time unknown to both the State and J. M. Walker, and was not ascertained for several years thereafter; and

Whereas, Said J. M. Walker has presented his claim against the State of Texas for said sum of money so paid to the State by said Walker, with interest thereon at the legal rate; and

Whereas, A question has arisen as to the liability of the State upon said claim; and

Whereas, It is the sense of this Legislature that no citizen of this State who claims to have a valid and just claim against the State of Texas shall be deprived of the opportunity to establish or enforce such claim through the courts of this State where it can be promptly tried and determined; therefore, be it

Resolved by the Senate and the House of Representatives concurring, That said J. M. Walker, his heirs and assigns be, and they are hereby,

granted permission to file suit against the State of Texas upon said claim in the district court of Travis County, and that service of such suit may be had upon the Attorney General of this State, or waived by him, the State to be represented in such trial by the Attorney General or by the County Attorney of Falls County, acting under the direction of the Attorney General of this State.

The resolution was read second time.

On motion of Mr. Gray, the resolution was referred to the Committee on State Affairs.

CONCERNING FEDERAL AID FOR BRAZOS RIVER CON- SERVATION AND RECLA- MATION DISTRICT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 38, Concerning Federal Aid for the Brazos River Conservation and Reclamation District.

Whereas, The Brazos watershed contains one-sixth of the area and 27 per cent of the population of the State of Texas, being practically as large as each of the States of New York or Pennsylvania, and being larger in area than the whole of the States of Massachusetts, Connecticut, Rhode Island, Delaware, New Hampshire, Vermont and New Jersey, and containing a greater population than the whole of the States of Wyoming, Idaho, Nevada, Arizona and New Mexico combined; and

Whereas, This great area contains much of the richest and most fertile lands in the Union and is favored by a climate mild enough to make it an ideal home for a great people; and

Whereas, This great area is subject to recurrent and disastrous overflows, destroying the lands, crops and homes of the residents of the valley, and is at other seasons afflicted with drought and shortage of water, both of which conditions can and should be remedied by proper control of the waters of the stream and its tributaries; and

Whereas, The Texas Board of Water Engineers has heretofore prepared a master plan for the control of the waters of the Brazos River and its tributaries so that same may be

controlled and stored for beneficial use and the valley protected from flood and drought, the flow of the streams may be assured, and a generous supply of hydroelectric power may be produced; and

Whereas, The Legislature of Texas has heretofore made appropriate provision for the development of this great project as a co-ordinated whole and in keeping with a well worked over engineering plan; and

Whereas, The State of Texas has through its Legislature heretofore evidenced its good faith in this project by creating a number of years ago a public agency known as the Brazos River Conservation and Reclamation District and by making available for the assistance of said district in the construction of dams, reservoirs and other structures necessary for the control of said river, the sum of six million one hundred and eighty thousand dollars of State tax money; and

Whereas, We know of no State which has evidenced its belief in its stability and soundness in any public work project in such a substantial manner as has the State of Texas; and

Whereas, No substantial amount of public work has been done in the State of Texas, and less than three million of the sixty million dollars allotted to Texas for public works has actually been made available as yet in this State; and

Whereas, The Federal Government has long followed the policy of aiding in and in many cases paying all of the cost of constructing many less comprehensive projects, and this without any substantial State aid, but said Government has not assisted in any project of outstanding magnitude in this State; and

Whereas, Bills have been introduced in both the House of Representatives and the Senate of the United States by Hon. Luther Johnson and by our Senator, respectively, which bills are identical and provide for substantial Federal Aid to assist the Brazos River Conservation and Reclamation District in constructing the necessary works to effect the control of the Brazos River and its tributaries; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring. That the United States Sena-

tors and Representatives from this State in the Federal Congress be, and they are hereby, urged to exert their utmost efforts to secure speedy and favorable action on the aforementioned legislation providing for Federal Aid to the Brazos River Conservation and Reclamation District.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—102

Adamson	Huddleston
Adkins	Hyder
Alexander	Jackson
Ash	James
Atchison	Jones of Falls
Bradbury	Jones of Runnels
Bradford	Jones of Shelby
Broyles	Jones of Wise
Burton	Keefe
Butler of Brazos	King
Butler of Karnes	Knetsch
Cagle	Lanning
Caldwell	Latham
Calvert	Lemens
Canon	Lindsey
Colquitt	Lotief
Colson	Lucas
Cooper	Luker
Craddock	McConnell
Daniel	McFarland
Davison of Fisher	McKee
Davison	McKinney
of Eastland	Moffett
Dickison	Moore
Dunlap of Hays	Morris
Dwyer	Morrison
England	Nicholson
Fain	Olsen
Farmer	Padgett
Fisher	Palmer
Ford	Patterson
Fox	Payne
Frazer	Petsch
Fuchs	Pope
Gibson	Reader
Glass	Reed of Dallas
Graves	Roach of Hunt
Gray	Roark
Hankamer	Rogers
Hardin	Rutta
Harris of Archer	Settle
Harris of Dallas	Smith
Head	Spears
Herzik	Stanfield
Hill	Steward
Hodges	Stinson
Hofheinz	Tarwater
Holland	Tennyson
Howard	Thornton

Tillery	Wood of Montague
Wells	Worley
Westfall	Youngblood
Wood of Harrison	

Nays—14

Aikin	McCalla
Bergman	Reed of Bowie
Crossley	Russell
Good	Stovall
Hunt	Waggoner
Jones of Atascosa	Walker
Mauritz	Young

Present—Not Voting

Bourne

Absent

Alsup	Hoskins
Beck	Hunter
Celaya	Jefferson
Clayton	Lange
Collins	Leath
Cowley	Leonard
Davis	Morse
Dunagan	Newton
Dunlap of Kleberg	Riddle
Duvall	Roberts
Greathouse	Scarborough
Hanna	Venable

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Roane
Quinn	Shofner

RELATIVE TO CONSIDERATION
OF RESOLUTIONS

On motion of Mr. Walker, the House dispensed with the further consideration of resolutions at this time.

CONCURRENCE IN SENATE
AMENDMENTS TO HOUSE
BILL NO. 356

Mr. Reader called up, for consideration at this time, House Bill No. 356, relative to the salary of the Board of Pharmacy, with Senate amendments.

On motion of Mr. Reader, the House concurred in the Senate amendments by the following vote:

Yeas—119

Adamson	Bradbury
Adkins	Bradford
Aikin	Broyles
Alexander	Burton
Alsup	Butler of Brazos
Ash	Butler of Karnes
Atchison	Caldwell
Bergman	Calvert
Bourne	Canon

Clayton	Lange
Colquitt	Lanning
Cooper	Latham
Craddock	Lemens
Crossley	Lindsey
Daniel	Lotief
Davis	Lucas
Davison of Fisher	Luker
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunlap of Kleberg	McFarland
Dwyer	McKee
England	McKinney
Fain	Moffett
Farmer	Moore
Fisher	Morris
Ford	Morrison
Fox	Nicholson
Frazer	Olsen
Fuchs	Padgett
Gibson	Palmer
Glass	Patterson
Good	Payne
Graves	Pope
Gray	Reader
Hankamer	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Roach of Hunt
Harris of Dallas	Roark
Head	Russell
Herzik	Rutta
Hill	Settle
Hodges	Smith
Hofheinz	Spears
Holland	Stanfield
Hoskins	Steward
Howard	Stinson
Huddleston	Stovall
Hunt	Tarwater
Hyder	Tennyson
Jackson	Thornton
James	Tillery
Jefferson	Waggoner
Jones of Atascosa	Wells
Jones of Falls	Westfall
Jones of Runnels	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Young
King	Youngblood

Absent

Beck	Knetsch
Cagle	Leath
Celaya	Leonard
Collins	Morse
Colson	Newton
Cowley	Petsch
Dunagan	Riddle
Dunlap of Hays	Roberts
Duvall	Rogers
Greathouse	Scarborough
Hanna	Venable
Hunter	Walker

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Roane
Quinn	Shofner

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 22, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 456, A bill to be entitled "An Act amending Subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, providing for the terms of court in the Sixty-third Judicial District and the time of the holding of same; etc."

H. B. No. 497, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the State Commission for the Blind's Department for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five-year closed season on wild fox in Robertson County; and declaring an emergency." (With amendments.)

S. B. No. 4, A bill to be entitled "An Act authorizing municipalities, political subdivisions and taxing districts to proceed under the provisions of Federal Bankruptcy Laws enacted for the relief of such municipalities, political subdivisions, and taxing districts; and declaring an emergency."

S. B. No. 497, A bill to be entitled "An Act to provide that the District Attorney of the Twelfth Judicial District of Texas shall receive the same per diem for not to exceed fifteen days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said Acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said district attorney while in the performance of his official duties outside of the county

of his residence, and declaring an emergency."

S. B. No. 482, A bill to be entitled "An Act making a certain emergency appropriation out of the General Revenue of the State of Texas to rebuild the barn at the Texas Experimental Station No. 8, located near Lubbock, Texas, to purchase harness and feed, also burned, and declaring an emergency."

S. B. No. 505, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed twenty million dollars (\$20,000,000) in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to ten million dollars (\$10,000,000), and all other laws in conflict herewith, and declaring an emergency."

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 408.

The following have been appointed on the part of the Senate: Senators Davis, Pace, Burns, Rawlings and Oneal.

Respectfully,
BOB BARKER,
Secretary of the Senate.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE CONCURRENT RESOLUTION NO. 50

The Speaker laid before the House, for consideration at this time, the conference committee report on House Concurrent Resolution No. 50, providing for appointment of committee to study cotton export, which report was printed in the Journal on Monday, April 15.

On motion of Mr. Knetsch, the report was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 22, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 36, A bill to be entitled "An Act making appropriations for

the support, maintenance, operation, and improvement of the State institutions of higher learning for the two fiscal years beginning September 1, 1935, and ending August 31, 1937, prescribing certain restrictions concerning the expenditure of said appropriations, and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 36, to the Committee on Appropriations.

Senate Bill No. 482, to the Committee on Appropriations.

Senate Bill No. 4, to the Committee on Conservation and Reclamation.

Senate Bill No. 505, to the Committee on Conservation and Reclamation.

Senate Bill No. 497, to the Committee on Judicial Districts.

CONCERNING INSTRUCTION OF CONFEREES ON HOUSE BILL NO. 11

Mr. Hofheinz moved that Sections 3 and 6 of Rule XI of the House Rules be suspended at this time, for the purpose of making a motion that debate on motions submitted to instruct the conferees on House Bill No. 11, be limited to three minutes for each speaker.

The motion to suspend the Rule was lost by the following vote:

Yeas—60

Adkins	Hankamer
Alexander	Head
Ash	Hofheinz
Atchison	Holland
Cagle	Howard
Calvert	Hunt
Clayton	Hunter
Crossley	Jones of Falls
Davis	Jones of Runnels
Dunlap of Hays	Jones of Shelby
England	Jones of Wise
Fisher	King
Fuchs	Knetsch
Glass	Lange
Gray	Lanning

Lemens	Roark
Lotief	Rutta
Lucas	Settle
Luker	Smith
McCalla	Stinson
McFarland	Tarwater
McKinney	Tennyson
Moffett	Thornton
Moore	Tillery
Morris	Waggoner
Morse	Walker
Patterson	Wells
Payne	Wood of Montague
Reed of Dallas	Worley
Roach of Hunt	Youngblood

Nays—59

Adamson	Hill
Aikin	Hodges
Alsup	Hoskins
Bergman	Huddleston
Bourne	Hyder
Bradbury	Jackson
Broyles	James
Burton	Jones of Atascosa
Butler of Karnes	Keefe
Caldwell	Latham
Canon	Lindsey
Celaya	Mauritz
Colquitt	McConnell
Craddock	McKee
Daniel	Morrison
Davison of Fisher	Nicholson
Davison	Olsen
of Eastland	Padgett
Dwyer	Palmer
Fain	Petsch
Farmer	Pope
Ford	Reed of Bowie
Fox	Roberts
Frazer	Russell
Gibson	Spears
Good	Stanfield
Greathouse	Stovall
Hardin	Venable
Harris of Archer	Westfall
Harris of Dallas	Wood of Harrison

Absent

Beck	Hanna
Bradford	Herzik
Butler of Brazos	Jefferson
Collins	Leath
Colson	Leonard
Cooper	Newton
Cowley	Reader
Dickison	Riddle
Dunagan	Rogers
Dunlap of Kleberg	Scarborough
Duvall	Steward
Graves	Young

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Roane
Quinn	Shofner

Mr. Frazer submitted the following motion:

"I move to instruct conference committee on House Bill No. 11 to provide for no increase in salary for any employe in any department of the State of Texas."

The motion was adopted.

Mr. Farmer submitted the following motion:

"I move that the House conference committee on House Bill No. 11 is hereby instructed to strike out of the conference report, on page 1613 of the Journal, in Section 9 thereof, the words 'so far as practicable,' and to strike out, in Section 10, the words 'as far as practicable,' as it applies to labor."

FARMER,
McKEE,
McCONNELL.

Mr. McKee submitted the following substitute for the motion by Mr. Farmer:

"I move that the conference committee be instructed to delete the words 'as far as practicable' wherever such words appear in House Bill No. 11."

McKEE,
YOUNGBLOOD.

On motion of Mr. Farmer, the substitute motion was tabled.

Question recurring on the motion by Mr. Farmer, it was adopted.

Mr. Jones of Wise submitted the following motion:

"I move to instruct the new conference committee to provide that no total compensation shall be paid by the Centennial Commission in excess of \$6,500."

JONES of Wise,
DAVISON of Fisher.

The motion was adopted.

Mr. Gibson submitted the following motion:

"I move that the House conferees, appointed for the purpose of adjusting the differences of the Senate on House Bill No. 11, be instructed to incorporate in the conference report a provision which will make a definite allocation of funds to the Alamo, and the battle ground of San Jacinto."

The motion was adopted.

Mr. Hunt submitted the following motion:

"I move that the new conference committee on House Bill No. 11 be

instructed to report back to the House on Tuesday, April 30, 1935."

On motion of Mr. Stinson, the motion by Mr. Hunt was tabled.

Mr. Greathouse submitted the following motion:

"I move to instruct conference committee on House Bill No. 11 to provide as follows, in its report, by adding immediately before the emergency clause, the following: 'That after the show is over and upon some date during the Centennial year of 1936 that the patriotic citizens of this State, who believe in that form of government established by our forefathers, shall assemble, at their own expense at the Alamo, San Jacinto, and Goliad, and duly and appropriately commemorate the birth of the Republic of Texas and its entry into the American Union.'"

The motion was adopted.

Mr. Bergman submitted the following motion:

"Mr. Speaker: I move to instruct the conference committee on House Bill No. 11 to make a definite appropriation to the last and only Indian tribe in Texas, the Alabama and Coushatti, in Polk County."

The motion was adopted.

Mr. Daniel submitted the following motion:

"We move to instruct House conferees on House Bill No. 11 to insist on the following provision being included in House Bill No. 11:

"Six and one-half per cent (6½%) of the gross receipts received from all purposes by the Texas Centennial Commission, and/or its agency or agencies, shall be paid into the Treasury of the State of Texas for the benefit of the General Fund. By gross receipts is meant all moneys coming from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived; provided, however, that no city or community or political subdivision receiving allocations of this appropriation shall be required to pay into the Treasury for the benefit of the General Fund an amount more than the allocation received, and provided further, that neither San Antonio, which shall receive from two hundred and fifty thousand dollars (\$250,000) to three hundred and fifty thousand dollars

(\$350,000) for a celebration to commemorate the Alamo and beautify its grounds, nor any city, community, or town near or around or adjacent to the San Jacinto Battlefield, which shall receive from two hundred and fifty thousand dollars (\$250,000) up to three hundred and fifty thousand dollars (\$350,000) under the terms of this Act for the purpose of erecting permanent buildings or monuments or celebrations, shall have to pay back to the State of Texas any of these funds received, unless there is revenue from admissions, concessions, privileges, rentals, or leases charged. The State of Texas shall have a first and prior lien on all gross receipts as above referred to until said six and one-half per cent (6½%) is paid into the Treasury of the State of Texas. The said Centennial Commission and/or its agency or agencies shall keep an accurate record of all receipts earned as a result of said Centennial Celebration, and on the first day of each and every month after said Exposition has gotten under way, the said Commission shall report to the Treasury of the State of Texas giving in detail the total amount of gross receipts, and said report shall be accompanied by a certified check for an amount equal to six and one-half per cent (6½%) of said gross receipts."

DANIEL,
KEEFE.

Mr. Jones of Atascosa raised a point of order on further consideration of the motion by Mr. Daniel, on the ground that the House has by a previous vote defeated motions containing the same subject matter.

The Speaker overruled the point of order.

Mr. Jones of Atascosa moved the previous question on the pending motion, and the motion was not seconded.

Mr. Stinson moved to table the motion by Mr. Daniel.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Adamson	Atchison
Alexander	Bradford
Ash	Broyles

Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Cagle	Luker
Calvert	McFarland
Canon	McKee
Clayton	McKinney
Collins	Morris
Colquitt	Morrison
Cooper	Newton
Cowley	Nicholson
Dickison	Olsen
Dunagan	Padgett
Dunlap of Kleberg	Palmer
Duvall	Patterson
Fain	Payne
Fisher	Pope
Ford	Reader
Fuchs	Reed of Dallas
Good	Riddle
Gray	Roach of Hunt
Hankamer	Russell
Hanna	Scarborough
Harris of Dallas	Settle
Hodges	Smith
Hoskins	Spears
Howard	Steward
Hunter	Stinson
Hyder	Stovall
Jackson	Tennyson
James	Waggoner
Jefferson	Walker
Jones of Atascosa	Wells
Jones of Falls	Wood of Montague
Jones of Runnels	Worley
King	Youngblood
Lange	

Yeas—54

Adkins	Huddleston
Aikin	Hunt
Alsup	Jones of Shelby
Beck	Jones of Wise
Bergman	Keefe
Bourne	Knetsch
Bradbury	Lanning
Burton	Lotief
Craddock	Lucas
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davison of Eastland	Moffett
Dunlap of Hays	Moore
Dwyer	Morse
England	Petsch
Farmer	Quinn
Fox	Reed of Bowie
Frazer	Roark
Gibson	Rutta
Glass	Stanfield
Graves	Tarwater
Hardin	Thornton
Harris of Archer	Tillery
Head	Venable
Herzik	Westfall
Hofheinz	Wood of Harrison

Absent

Caldwell	Latham
Celaya	Leath
Colson	Leonard
Crossley	Roberts
Greathouse	Rogers
Hill	Young
Holland	

Absent—Excused

Fitzwater	Roane
Hartzog	Shofner
Roach of Angelina	

Mr. Hofheinz submitted the following motion:

"I move that the conference committee considering House Bill No. 11 be instructed to specifically allocate \$300,000 for the construction of a lasting and permanent memorial at San Jacinto Battle Ground and to allocate \$300,000 to the Alamo for a celebration and or a permanent improvement to or upon said Alamo."

(Mr. Head in the Chair.)

Question recurring on the motion by Mr. Hofheinz, it was lost.

(Speaker in the Chair.)

Mr. Frazer submitted the following motion:

"I move to instruct the conference committee not to appropriate any amount in excess of one million dollars for any or all purposes in House Bill No. 11."

**FRAZER,
BRADBURY.**

Question—Shall the motion by Mr. Frazer be adopted?

BILL RECOMMITTED

On motion of Mr. Hankamer, House Bill No. 682 was recommitted to the Committee on Revenue and Taxation.

RECESS

On motion of Mr. Wells, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

RELATIVE TO INSTRUCTING CONFEREES ON HOUSE BILL
NO. 11

The House resumed consideration of pending business, same being motion by Mr. Frazer to instruct conferees on House Bill No. 11.

Mr. Frazer, by unanimous consent of the House, was authorized to change his motion to read as follows:

"I move to instruct the conference committee not to appropriate any amount in excess of two million dollars for any or all purposes in House Bill No. 11."

FRAZER,
BRADBURY.

Mr. Stinson moved to table the motion by Mr. Frazer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Adamson	James
Ash	Jones of Atascosa
Atchison	Jones of Falls
Bradford	Jones of Runnels
Broyles	King
Butler of Brazos	Lange
Butler of Karnes	Lemens
Calvert	Luker
Clayton	McCalla
Collins	McFarland
Colquitt	McKinney
Cooper	Morris
Cowley	Morrison
Davison of Fisher	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Olsen
Dunagan	Patterson
Dwyer	Payne
England	Pope
Fain	Reader
Fuchs	Reed of Dallas
Hankamer	Roach of Hunt
Hanna	Smith
Harris of Dallas	Spears
Hill	Steward
Hodges	Stinson
Holland	Stovall
Hoskins	Waggoner
Howard	Wood of Montague
Hunter	Worley
Hyder	Youngblood
Jackson	

Nays—56

Adkins	Bourne
Aikin	Bradbury
Alsup	Burton
Bergman	Cagle

Canon	Lindsey
Craddock	Lotief
Crossley	Lucas
Dunlap of Hays	Mauritz
Farmer	McConnell
Fisher	Moffett
Fox	Palmer
Gibson	Petsch
Glass	Quinn
Good	Reed of Bowie
Graves	Riddle
Hardin	Roark
Harris of Archer	Roberts
Head	Scarborough
Herzik	Settle
Hofheinz	Tarwater
Huddleston	Tennyson
Hunt	Thornton
Jefferson	Tillery
Jones of Shelby	Venable
Jones of Wise	Walker
Knetsch	Wells
Lanning	Westfall
Latham	Wood of Harrison

Present—Not Voting

Davis

Absent

Alexander	Keefe
Beck	Leath
Caldwell	Leonard
Celaya	McKee
Colson	Moore
Daniel	Padgett
Dunlap of Kleberg	Rogers
Duvall	Russell
Ford	Rutta
Frazer	Stanfield
Gray	Young
Greathouse	

Absent—Excused

Fitzwater	Roane
Hartzog	Shofner
Roach of Angelina	

Mr. Hofheinz moved the previous question on the motions to instruct conferees on House Bill No. 11, and the motion was duly seconded.

Mr. Aikin raised a point of order on further consideration of the motion by Mr. Hofheinz, on the ground that the motion is out of order, because same is vague and indefinite.

The Speaker overruled the point of order.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—74

Adkins	Knetsch
Alexander	Lange
Ash	Lanning
Atchison	Lemens
Cagle	Leonard
Celaya	Lotief
Clayton	Lucas
Collins	Luker
Colquitt	McCalla
Cooper	McFarland
Cowley	McKinney
Crossley	Moffett
Davisson	Moore
of Eastland	Morris
Dickison	Olsen
Dunlap of Kleberg	Patterson
Fain	Payne
Fisher	Petsch
Fuchs	Quinn
Glass	Reader
Good	Reed of Bowie
Gray	Roach of Hunt
Hanna	Rutta
Harris of Dallas	Settle
Head	Smith
Herzik	Spears
Hill	Stovall
Hodges	Tarwater
Hofheinz	Tennyson
Hoskins	Thornton
Howard	Tillery
Jones of Atascosa	Waggoner
Jones of Falls	Walker
Jones of Runnels	Wells
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Youngblood
King	

Nays—47

Adamson	Huddleston
Aikin	Hunt
Alsup	Hunter
Bergman	Hyder
Bourne	Jackson
Bradbury	James
Bradford	Latham
Broyles	Lindsey
Burton	Mauritz
Butler of Karnes	McConnell
Canon	Morrison
Craddock	Morse
Davis	Newton
Davison of Fisher	Nicholson
Dunagan	Palmer
Dunlap of Hays	Roane
England	Roark
Farmer	Scarborough
Fox	Steward
Frazer	Stinson
Gibson	Venable
Hankamer	Westfall
Hardin	Wood of Harrison
Harris of Archer	

Present—Not Voting

Reed of Dallas

Absent

Beck	Jefferson
Butler of Brazos	Leath
Caldwell	McKee
Calvert	Padgett
Colson	Pope
Daniel	Riddle
Duvall	Roberts
Dwyer	Rogers
Ford	Russell
Graves	Stanfield
Greathouse	Young
Holland	

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Shofner

Mr. Tarwater submitted the following motion:

"We move that the House conferees on House Bill No. 11 be instructed to insert in the conference report on said bill, a provision that 10 per cent of the gross receipts on all concessions operating under or with agreement with the Centennial Commission, be paid into General Revenue of the State of Texas until the entire appropriation made by virtue of House Bill No. 11 has been repaid to the State Treasury."

TARWATER,
MAURITZ.

Mr. Stinson raised a point of order on further consideration of the motion by Mr. Tarwater, on the ground that the House has heretofore defeated motions containing the same subject matter.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Tarwater, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—71

Adkins	Craddock
Aikin	Crossley
Alsup	Davis
Bergman	Davison of Fisher
Bourne	Dunagan
Bradbury	Dunlap of Hays
Burton	Dwyer
Cagle	England
Calvert	Fain
Canon	Farmer

Fisher	McCalla
Fox	McConnell
Frazer	Moore
Gibson	Morris
Glass	Olsen
Graves	Petsch
Hardin	Quinn
Harris of Archer	Reed of Bowie
Head	Roach of Hunt
Herzik	Roark
Hofheinz	Rogers
Huddleston	Rutta
Hunt	Scarborough
Jones of Runnels	Settle
Jones of Shelby	Stanfield
Jones of Wise	Steward
Keefe	Tarwater
Knetsch	Tennyson
Lanning	Thornton
Latham	Venable
Lemens	Walker
Leonard	Wells
Lindsey	Westfall
Lotief	Wood of Harrison
Lucas	Worley
Mauritz	

Nays—54

Adamson	Hyder
Alexander	Jackson
Ash	James
Atchison	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Lange
Butler of Brazos	Luker
Butler of Karnes	McFarland
Celaya	McKee
Clayton	McKinney
Collins	Moffett
Colquitt	Morrison
Cooper	Morse
Cowley	Newton
Davisson	Padgett
of Eastland	Patterson
Dickison	Payne
Fuchs	Pope
Good	Reader
Gray	Reed of Dallas
Hankamer	Smith
Hanna	Stinson
Harris of Dallas	Stovall
Hill	Waggoner
Hodges	Wood of Montague
Holland	Young
Hoskins	Youngblood
Hunter	

Present—Not Voting

Dunlap of Kleberg

Absent

Beck	Ford
Caldwell	Greathouse
Colson	Howard
Daniel	Jefferson
Duvall	King

Leath	Roberts
Nicholson	Russell
Palmer	Spears
Riddle	Tillery

Absent—Excused

Fitzwater	Roane
Hartzog	Shofner
Roach of Angelina	

Mr. Hofheinz submitted the following motion:

"I move that the conference committee considering House Bill No. 11 be instructed to include in the conference report on said bill a specific allocation of not less than \$275,000 or not more than \$350,000 to San Jacinto Battle Ground for the erection of a permanent memorial at said battle ground, and a specific allocation of not less than \$275,000 nor more than \$350,000 to the Alamo for a permanent celebration and/or improvements to the Alamo."

HOFHEINZ,
SPEARS,
DICKISON,
READER,
JEFFERSON.

Mr. Jones of Atascosa raised a point of order on further consideration of the motion by Mr. Hofheinz, on the ground that the motion is identical with the motion that was defeated by the House on this morning.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Hofheinz, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—63

Alsup	Gibson
Bergman	Glass
Bradbury	Graves
Burton	Greathouse
Calvert	Hankamer
Canon	Hardin
Craddock	Head
Crossley	Hofheinz
Daniel	Holland
Davis	Howard
Davisson	Hunt
of Eastland	Hyder
Dickison	Jefferson
Dunagan	Jones of Shelby
Dwyer	Keefe
England	Knetsch
Farmer	Lange
Fox	Lanning
Frazer	Latham

Leonard	Reader
Lindsey	Roane
Lucas	Roark
McCalla	Spears
McKee	Steward
Moore	Stinson
Morse	Thornton
Newton	Tillery
Nicholson	Venable
Padgett	Wells
Palmer	Westfall
Petsch	Wood of Harrison
Quinn	Worley

Nays—66

Adamson	Jones of Falls
Adkins	Jones of Wise
Aikin	King
Alexander	Lemens
Ash	Lotief
Atchison	Luker
Bourne	Mauritz
Bradford	McConnell
Broyles	McFarland
Butler of Brazos	McKinney
Butler of Karnes	Moffett
Cagle	Morris
Celaya	Morrison
Clayton	Patterson
Colquitt	Payne
Cooper	Pope
Davison of Fisher	Reed of Bowie
Dunlap of Hays	Reed of Dallas
Fain	Riddle
Fisher	Roberts
Fuchs	Rutta
Good	Scarborough
Hanna	Settle
Harris of Archer	Smith
Harris of Dallas	Stanfield
Herzik	Stovall
Hill	Tarwater
Hodges	Tennyson
Hoskins	Waggoner
Huddleston	Walker
Jackson	Wood of Montague
James	Young
Jones of Atascosa	Youngblood

Present—Not Voting

Roach of Hunt

Absent

Beck	Gray
Caldwell	Hunter
Collins	Jones of Runnels
Colson	Leath
Cowley	Olsen
Dunlap of Kleberg	Rogers
Duvall	Russell
Ford	

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Shofner

Mr. Dwyer submitted the following motion:

"I move to instruct the conference committee on House Bill No. 11 to include a provision that four per centum (4%) of all gross receipts from admission charges, concession fees and other sources shall be set aside to repay the State of Texas until the amount allocated to the Central Exposition at Dallas has been repaid; provided, that this provision shall not be a prior lien to any revenue heretofore pledged to retire bonds issued against such income."

The motion was lost.

Mr. Davidson of Fisher submitted the following motion:

"I move that the new conference committee on House Bill No. 11 be instructed to retain the provisions relative to gross receipts:

"Section 8-a. Eleven per cent (11%) of the gross receipts received from all purposes except gate receipts by the Texas Centennial Commission, and/or its agency or agencies shall be paid into the Treasury of the State of Texas for the benefit of the General Fund until one million two hundred thousand dollars (\$1,200,000) has been returned to said General Revenue Fund. By gross receipts is meant all moneys coming from concessions, privileges, rentals, leases any and all other sources from which any funds may be derived exclusive of said gate receipts. The State of Texas shall have a first and prior lien on all gross receipts as above referred to until said eleven per cent (11%) is paid into the Treasury of the State of Texas until one million two hundred thousand dollars (\$1,200,000) has been returned to said General Revenue Fund. The said Centennial Commission and/or its agency or agencies shall keep an accurate record of all receipts earned as a result of said Centennial Celebration, and on the first day of each and every month after said Exposition has gotten under way, the said Commission shall report to the Treasurer of the State of Texas, giving in detail the total amount of gross receipts, and said report shall be accompanied by a certified check for an amount equal to eleven per cent (11%) of said gross receipts referred to."

Mr. Stinson raised a point of order on further consideration of the motion by Mr. Davison of Fisher, on the

ground that a motion containing same subject matter has heretofore been defeated by the House.

The Speaker overruled the point of order.

The motion by Mr. Davison of Fisher was lost.

Mrs. Moore submitted the following motion:

"I move that the House of Representatives instruct the conference committee on the Centennial Bill to include in the Centennial Bill a provision for levying, collecting, and accounting for a ten per cent (10%) tax on admission tickets to be paid at each city or location or fair grounds where a Centennial Celebration is held, said tax to be allocated to the General Fund."

The motion was adopted.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 11

The Speaker announced the appointment of the following conference committee on House Bill No. 11: Messrs. Stinson, Spears, Howard, Settle, and Butler of Brazos.

CHANGE IN STANDING COMMITTEES ANNOUNCED

The Speaker announced the appointment of the following changes in the standing committees of the House: Mr. Holland, Committee on Banks and Banking, instead of Mr. Moffett; Mr. Moffett, Committee on Agriculture, instead of Mr. Holland.

CONFERENCE COMMITTEE ON SENATE BILL NO. 146

The Speaker announced the appointment of the following conference committee on Senate Bill No. 146: Messrs. Graves, Knetsch, Walker, Petsch, and Jones of Atascosa.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 327

The Speaker announced the appointment of the following conference committee on House Bill No. 327: Messrs. Russell, Aikin, Petsch, Hankamer, and Moffett.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 780

The Speaker announced the appointment of the following conference committee on House Bill No. 780:

Messrs. Leonard, Good, Aikin, Dickison, and Dunlap of Hays.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 781

The Speaker announced the appointment of the following conference committee on House Bill No. 781: Messrs. Leonard, Dunlap of Kleberg, Good, McKee, and Mrs. Moore.

HOUSE BILL NO. 223 ON SECOND READING

(By Unanimous Consent)

On motion of Mr. Hofheinz, the regular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 223, A bill to be entitled "An Act levying and imposing license taxes and occupation taxes on coin-operated vending machines as defined in the Act, providing for certain exceptions and exemptions, prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act, to repeal Chapter 116, Acts of the First Called Session of the Forty-third Legislature, and to provide against counties, cities, and towns imposing any additional occupation tax by virtue of the taxes levied and imposed by this Act, etc., and declaring an emergency."

The bill was read second time.

Mr. Reed of Dallas offered the following committee amendment to the bill:

Amend House Bill No. 223 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Chapter 116, Acts of the First Called Session of the Forty-third Legislature, be, and the same is hereby, amended so as to read thereafter as follows:

"1. The term 'coin-operated vending machine,' as used herein, means every machine or device of whatsoever kind or character, which dispenses, or vends, or which is used or operated for dispensing or vending merchandise, commodities, confections, service, amusement, or pleasure, and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within said

terms: phonograph, electrical piano, electric battery, graphophone, weighing machine, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track machine, stereoscopic machine, gum machine, candy machine, handkerchief machine, sandwich machine, sanitary drinking cup machine, pay toilet, marble machine, marble table machine, marble shooting machine, or marble machine of any description.

"2. The term 'owner' as used herein means any person, individual, firm, company, association or corporation having the care, control, management, or possession of any 'coin-operated vending machine,' or any person, individual, firm, company, association or corporation who exhibits or permits to be exhibited, in his or its place of business, or upon premises under his or its control, any coin-operated vending machine.

"3. There is hereby levied on, and shall be collected from, the owner of every coin-operated vending machine in this State an annual occupation tax, as follows:

"Where the coin, fee, or token used, or which may be used, in the operation thereof, is of the value in excess of five cents, or represents a value in excess of five cents, the sum of \$10.

"Where the coin, fee, or token used, or which may be used, in the operation thereof, is of the value in excess of one cent and not exceeding five cents, or represents a value in excess of one cent and not exceeding five cents, the sum of \$5.00.

"4. Gas meters, pay telephones, and cigarette vending machines, and pay toilets are expressly exempt from the provisions of this Act.

"5. The Comptroller of Public Accounts of this State is hereby authorized, ordered, and directed to collect, and to issue receipts for the payment of, the tax levied hereby and to employ all the agencies of the law available to him for the enforcement of the provisions of this Act; provided, however, that, where the tax, as now levied under the provisions of Chapter 116, Acts of the First Called Session of the Forty-third Legislature, upon coin-operated vending machines, has been paid at the time of the taking effect of this Act, then, and in that event, the said Comptroller of Public Accounts is authorized and empowered to make proper adjustment thereof,

by crediting pro rata, upon the annual basis, any unearned tax, to the payment of the tax hereby levied.

"6. If any person shall exhibit, display, or have in his possession within this State any coin-operated vending machine as defined in this Act, and subject to the payment of a tax as herein provided, without having annexed or attached thereto the receipt of the Comptroller of Public Accounts of this State showing the payment of the tax due thereon for the current year, he shall be guilty of a misdemeanor; and, upon conviction, he shall be punished by a fine of not less than \$25.00 nor more than \$100.00. Each day any such machine shall be operated in violation of any provision of this Act shall constitute a separate offense.

"7. If any Section, subdivision, paragraph, sentence, clause, or word of this Act be held unconstitutional, the remaining portions of same shall, nevertheless, be valid; and it is declared that such remaining portions would have been enacted, notwithstanding such unconstitutional portion hereof.

"8. The fact that the present tax on the subject matter hereof is inadequate, and many evasions of the tax on coin-operated vending machines now exist, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house be, and the same is hereby, suspended, and this Act shall take effect and be in full force from and after its final passage, and it is so enacted."

Mr. Reed of Dallas offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223 by changing the words and figures "\$10" and "\$5" wherever they appear in Section 3 to read "\$20" and "\$10" respectively.

REED of Dallas,
CALDWELL,
COLQUITT.

Mr. McKee offered the following substitute for the amendment by Mr. Reed of Dallas:

Substitute for amendment to committee amendment to House Bill No. 223 by changing the figures "\$20" and "\$10" to read "\$50" and "\$25" respectively.

McKEE,
MORRIS.

On motion of Mr. Reed of Dallas, the substitute amendment was tabled.

Question recurring on the amendment to the committee amendment, it was adopted.

Mr. Reed of Dallas offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223, page 1, Section 1, line 5, by striking out the word "service."

The amendment was adopted.

Mr. Morris offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223 by adding a new section, to be known as Section 6-b, to read as follows:

"No injunction shall be granted to restrain the collection of this tax, unless the person or party applying therefor and/or intervenor therein shall first file with the clerk of the court to which such application for such relief is addressed, a cash bond in an amount equal to the amount of the tax due and which may accrue during the pendency of the injunction, or a good and sufficient surety bond, approved by such clerk, in an amount equal to twice the amount of the tax due, and which may accrue during the pendency of such injunction, which bond shall guarantee the payment of such taxes in the event said injunction is finally dissolved."

MORRIS,
PETSCH,
THORNTON.

The amendment was adopted.

Mr. Morris offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223 by inserting a new Section 6-a at the end of Section 6, known as Subsection 6-a, to read as follows:

"Subsection 6-a. Provided that none of these machines, operated by the insertion of a coin or metallic slug, shall be used for the purpose of offering prizes either in the form of merchandise or in the form of money.

"Subsection 6-b. Any owner, as defined in Section 2, who violates the provision of Subsection 'a' and Section 6 shall be subject to a fine of not less than two hundred and fifty

dollars (\$250) or more than five hundred dollars (\$500)."

MORRIS,
FARMER.

Mr. Reed of Dallas moved to table the amendment by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—59

Atchison	Hyder
Bradford	Jackson
Burton	James
Butler of Karnes	Jefferson
Calvert	Jones of Atascosa
Celaya	King
Clayton	Lotief
Colquitt	Luker
Collins	McCalla
Cowley	McFarland
Davisson	McKee
of Eastland	Moore
Dickison	Morse
Dunagan	Newton
Dunlap of Hays	Nicholson
Dunlap of Kleberg	Olsen
Duvall	Padgett
Dwyer	Pope
Frazer	Reed of Dallas
Fuchs	Riddle
Hankamer	Roark
Hanna	Settle
Harris of Dallas	Smith
Head	Spears
Hill	Stanfield
Hofheinz	Stinson
Holland	Stovall
Hoskins	Thornton
Howard	Wells
Hunter	Young

Nays—71

Adamson	Fain
Adkins	Farmer
Aikin	Fisher
Alsup	Fox
Ash	Gibson
Beck	Glass
Bergman	Good
Bourne	Graves
Bradbury	Gray
Broyles	Greathouse
Butler of Brazos	Hardin
Cagle	Harris of Archer
Canon	Herzik
Cooper	Hodges
Craddock	Huddleston
Crossley	Hunt
Daniel	Jones of Runnels
Davis	Jones of Shelby
Davison of Fisher	Jones of Wise
England	Lanning

Latham	Roach of Hunt
Lemens	Roane
Lindsey	Russell
Lucas	Rutta
Mauritz	Scarborough
McConnell	Steward
McKinney	Tarwater
Moffett	Tillery
Morris	Waggoner
Morrison	Walker
Palmer	Westfall
Patterson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Quinn	Youngblood
Reed of Bowie	

Present—Not Voting

Venable

Absent

Alexander	Lange
Caldwell	Leath
Colson	Leonard
Ford	Reader
Jones of Falls	Roberts
Keefe	Rogers
Knetsch	Tennyson

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Shofner

Mr. McConnell offered the following amendment to the amendment by Mr. Morris:

Amend the Morris amendment to make the "fine" read "not to exceed \$200."

The amendment was adopted.

Question recurring on the amendment by Mr. Morris, as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—71

Adamson	Daniel
Adkins	Davis
Aikin	Davison of Fisher
Alexander	England
Alsup	Fain
Ash	Farmer
Beck	Fisher
Bergman	Gibson
Bourne	Glass
Bradbury	Good
Broyles	Graves
Burton	Gray
Butler of Karnes	Greathouse
Cagle	Hardin
Canon	Harris of Archer
Cooper	Head
Craddock	Herzik

Hodges	Quinn
Huddleston	Reed of Bowie
Hunt	Roach of Hunt
Jones of Runnels	Russell
Jones of Shelby	Rutta
Jones of Wise	Scarborough
Lanning	Steward
Latham	Stovall
Lemens	Tarwater
Lindsey	Tennyson
Lucas	Tillery
McConnell	Waggoner
McKinney	Walker
Moffett	Westfall
Morris	Wood of Harrison
Morrison	Wood of Montague
Palmer	Worley
Payne	Youngblood
Petsch	

Nays—56

Atchison	James
Bradford	Jefferson
Butler of Brazos	King
Calvert	Knetsch
Celaya	Lotief
Clayton	McCalla
Collins	McFarland
Colquitt	McKee
Cowley	Moore
Crossley	Morse
Davisson	Newton
of Eastland	Nicholson
Dunagan	Olsen
Dunlap of Hays	Padgett
Duvall	Patterson
Dwyer	Pope
Fox	Reed of Dallas
Frazer	Riddle
Fuchs	Roane
Hankamer	Roark
Hanna	Roberts
Harris of Dallas	Settle
Hill	Spears
Hofheinz	Stanfield
Holland	Stinson
Hoskins	Thornton
Howard	Wells
Hyder	Young
Jackson	

Absent

Caldwell	Lange
Colson	Leath
Dickison	Leonard
Dunlap of Kleberg	Luker
Ford	Mauritz
Hunter	Reader
Jones of Atascosa	Rogers
Jones of Falls	Smith
Keefe	Venable

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Shofner

Mr. Morris moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hofheinz offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223 by adding a new section, called Section 7, and renumbering all subsequent sections accordingly, as follows:

"Section 7. Nothing herein shall be construed to license, permit, authorize, or legalize any 'coin-operated vending machine,' the operation, display, or maintenance of which is not illegal under Article 654, Revised Statutes, 1925, and Section 47, Article III, of the Constitution of the State of Texas; however, all games of skill, taxed herein, not prohibited by Article 654, Revised Statutes, 1925, and Section 47, Article III, of the Constitution of the State of Texas, shall hereafter be legal."

The amendment was adopted.

Mr. Davison of Fisher offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223 by adding to Section 6 a new section, known as Section 6-c, to read as follows:

"Section 6-c. Every machine that does not have an occupation tax receipt thereon shall be destroyed by the law enforcing agency of the political subdivision where machine is found to be operating."

The amendment was adopted.

Mr. Lemens offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 223 by inserting between lines 14 and 15, page 2, the following:

"Where the coin, fee, or token used, or which may be used in the operation thereof, is of the value of one cent, or represents a value of one cent, the sum of \$2.50".

The amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 223 was then passed to engrossment.

HOUSE BILL NO. 223 ON THIRD READING

Mr. Reed of Dallas moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 223 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Adamson	Hardin
Aikin	Harris of Archer
Alexander	Harris of Dallas
Alsup	Head
Ash	Herzik
Atchison	Hill
Beck	Hodges
Bergman	Hofheinz
Bourne	Holland
Bradbury	Hoskins
Bradford	Howard
Broyles	Huddleston
Burton	Hunt
Butler of Brazos	Hyder
Butler of Karnes	Jackson
Cagle	James
Calvert	Jefferson
Canon	Jones of Atascosa
Celaya	Jones of Falls
Clayton	Jones of Runnels
Colquitt	Jones of Shelby
Colson	Jones of Wise
Cooper	King
Cowley	Knetsch
Craddock	Lange
Crossley	Lanning
Daniel	Latham
Davis	Lemens
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Lotief
Dunagan	Lucas
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Duvall	McConnell
England	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Morse
Glass	Newton
Good	Nicholson
Graves	Olsen
Gray	Padgett
Greathouse	Palmer
Hankamer	Patterson
Hanna	Pope

Quinn	Stovall
Reed of Bowie	Tarwater
Reed of Dallas	Tennyson
Riddle	Thornton
Roane	Tillery
Roark	Venable
Roberts	Waggoner
Russell	Walker
Rutta	Wells
Settle	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Stanfield	Worley
Steward	Young
Stinson	Youngblood

Absent

Adkins	Leath
Caldwell	Luker
Collins	Payne
Dickison	Petsch
Dwyer	Reader
Ford	Roach of Hunt
Hunter	Rogers
Keefe	Scarborough

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Shofner

The Speaker then laid House Bill No. 223 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunagan
Alexander	Dunlap of Hays
Alsop	Dunlap of Kleberg
Ash	England
Atchison	Fain
Beck	Farmer
Bergman	Fisher
Bourne	Fox
Broyles	Frazer
Burton	Fuchs
Butler of Brazos	Gibson
Butler of Karnes	Glass
Cagle	Good
Canon	Graves
Celaya	Gray
Clayton	Greathouse
Collins	Hankamer
Colquitt	Hanna
Cooper	Hardin
Cowley	Harris of Archer
Craddock	Harris of Dallas
Crossley	Head
Daniel	Herzik
Davis	Hill
Davison of Fisher	Hodges

Hofheinz	Petsch
Holland	Pope
Hoskins	Quinn
Hunt	Reed of Bowie
Hunter	Reed of Dallas
Hyder	Riddle
Jackson	Roach of Hunt
Jones of Falls	Roane
Jones of Runnels	Roark
Jones of Shelby	Roberts
Jones of Wise	Russell
King	Rutta
Knetsch	Scarborough
Lanning	Settle
Latham	Smith
Lemens	Spears
Leonard	Steward
Lotief	Stinson
Lucas	Stovall
Mauritz	Tarwater
McConnell	Tennyson
McFarland	Thornton
McKee	Tillery
McKinney	Venable
Moffett	Waggoner
Moore	Walker
Morris	Wells
Morrison	Westfall
Morse	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Olsen	Young
Patterson	Youngblood

Nays—6

Bradford	Lindsey
Howard	McCalla
Huddleston	Palmer

Absent

Bradbury	Jones of Atascosa
Caldwell	Keefe
Calvert	Lange
Colson	Leath
Dickison	Luker
Duvall	Padgett
Dwyer	Payne
Ford	Reader
James	Rogers
Jefferson	Stanfield

Absent—Excused

Fitzwater	Roach of Angelina
Hartzog	Shofner

HOUSE BILL NO. 294 WITH SENATE AMENDMENTS

Mr. Frazer called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 294, A bill to be entitled "An Act designating fur-bearing ani-

mals, declaring them the property of the State, declaring a five (5) year closed season on wild fox in Robertson County; providing a penalty for violation of this Act, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Frazer, the House concurred in the Senate amendments.

ADJOURNMENT

On motion of Mr. Butler of Brazos, the House, at 4:15 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: Senate Bills Nos. 36 and 482.

Conservation and Reclamation: Senate Bills Nos. 4 and 505, and House Bill No. 977.

Judicial Districts: Senate Bills Nos. 491 and 497.

Revenue and Taxation: House Bill No. 682.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee, Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district, to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59 of Article XVI, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and func-

tions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited, etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

FIFTY-FIFTH DAY

(Tuesday, April 23, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Gibson
Adamson	Glass
Adkins	Good
Aikin	Graves
Alexander	Gray
Alsup	Greathouse
Ash	Hankamer
Atchison	Hanna
Beck	Hardin
Bergman	Harris of Archer
Bourne	Harris of Dallas
Bradbury	Hartzog
Bradford	Head
Broyles	Herzik
Burton	Hill
Butler of Brazos	Hodges
Butler of Karnes	Hofheinz
Cagle	Holland
Caldwell	Hoskins
Calvert	Howard
Canon	Huddleston
Celaya	Hunt
Clayton	Hunter
Collins	Hyder
Colquitt	Jackson
Colson	James
Cooper	Jefferson
Cowley	Jones of Atascosa
Craddock	Jones of Falls
Daniel	Jones of Runnels
Davis	Jones of Shelby
Davison of Fisher	Jones of Wise
Davisson	Keefe
of Eastland	King
Dunagan	Knetsch
Dunlap of Hays	Lange
Dunlap of Kleberg	Lanning
Duvall	Latham
Dwyer	Leath
England	Lemens
Fain	Leonard
Farmer	Lindsey
Fisher	Lotief
Ford	Lucas
Fox	Luker
Frazer	Mauritz
Fuchs	McCalla